

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

TROY DEIMERLY,

Plaintiff,

v.

DAVE JOHNSON, *et al.*,

Defendants.

Case No. C06-5002 RBL/KLS

ORDER ADOPTING REPORT AND
RECOMMENDATION

The Court, having reviewed the Report and Recommendation of Magistrate Judge Karen L. Strombom, objections to the Report and Recommendation, if any, and the remaining record, does hereby find and ORDER:

- (1) Plaintiff's Letter/Motion regarding Lost Correspondence [Dkt. #63] will be considered by the Court as an Objection to the Report and Recommendation. One basis for the recommendation to grant defendants' motion for summary judgment is that plaintiff failed to respond in opposition to the motion in violation of Local Rule CR 7(b). Plaintiff's objection relates to the failure of Safford Creek Correction Center to send out some of his legal mail dated September 5, 2006 and October 3, 2006. This lawsuit involves allegations that defendants acted with deliberate indifference to his serious medical needs. This motion for summary judgment was filed after plaintiff complained that his legal papers were not mailed out by Safford Creek; therefore, his objection does not relate to or explain why he failed to respond to defendants' motion for summary judgment. As such, plaintiff's objection is **DENIED**.
- (2) The Court adopts the Report and Recommendation;
- (3) The motion for summary judgment of Defendants Dave Johnson, Detective Sergeant C. J. Chastain and Officer Ron Morella (Dkt. #49) is **GRANTED**; and

1 (4) The Clerk is directed to send copies of this Order to Plaintiff, counsel for Defendant
2 and to the Hon. Karen L. Strombom.

3 DATED this 18th day of December, 2006.

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5 RONALD B. LEIGHTON
6 UNITED STATES DISTRICT JUDGE
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